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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,173

03/31/2004

Salvatore F. Nati

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09/25/2006

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EXAMINER

HELLNER, MARK

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

The election/species requirement of June 30, 2006 is hereby withdrawn in view of Applicant's response of June 30, 2006.

A new election/species requirement is being made in order to clearly identify a generic claim for examination.

#### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species: Figure 2d (Invention A) drawn to a Master Oscillator Power Amplifier; Figure 6 (Invention B) drawn to a phase locked loop; Figure 7 (Invention C) drawn to the detailed control functions applicable to the Master Oscillator Power Amplifier; and Figure 8 (invention D) drawn to an oscillator. The species are independent or distinct because they have been identified by the specification as separate embodiments and they perform separate and distinct functions.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 50 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

Mark Hellner

Primary Examiner

AU 3663

A handwritten signature in black ink that reads "Mark Hellner". The signature is written in a cursive, flowing style with a prominent loop at the end.